4735

BILL NO. S-78-07-13

SPECIAL ORDINANCE NO. S-120-78

AN ORDINANCE approving an Agreement between the County of Allen and the City of Fort Wayne, Indiana for the conveyance of real estate from the County of Allen to the City of Fort Wayne, Indiana.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Agreement between the County of Allen and, by its Board of Commissioners, the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Park Commissioners for the real estate described as follows, to wit:

Beginning at the Northeast corner of Lot 59 in West View Heights Addition (formerly Carver Center Addition), as recorded in Plat Book 22, Pages 20-21, in the Office of the County Recorder, Allen County, Indiana; thence west along the north line of said addition, a distance of 410.00 feet; thence north along the east right-of-way line of a street known as Carver Court, a distance of 25.75 feet; thence west along the north line of said addition, a distance of 170.00 feet; thence north along the west line extended of Lot 40 in said addition, a distance of 26.65 feet; thence in a northeasterly direction along the southeasterly right-of-way line of Hale Avenue, a distance of 22.65 feet; thence south 1°18' west, a distance of 32.32 feet; thence north 89°39' east, a distance of 574.88 feet, to the west line of Brackenridge's Subdivision, a distance of 599.68 feet, to the south line of the wouthwest quarter of said section; thence west along said south line of the southwest quarter of said section, a distance of 9.4+ feet, to the intersection of the east line extended of said West View Heights Addition and the south line of the southwest quarter of said section; thence north along the east line of said West View Heights Addition, a distance of 565.00 feet, to the point of beginning, containing .53 acres more or less, and excluding right-of-way for Covington Road.

all as more particularly set forth in said agreement which is on file in the Office of the Board of Park Commissioners and is by reference incorporated herein, and made a part hereof be, and is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and upon passage and approval by the Mayor.

APPROVED AS TO FORM AND LEGALITY,

CITY ATTORNEY

William T. Longa

Councilman

Read the first time in full and on motion by Hinga, seconded by D. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Finance (~~and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on~~ _____, the _____ day of _____, 19__, at _____ o'clock ____ M., E.S.T.

DATE: 7-25-78

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Hinga, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8	0	1		
BURNS	~~✓~~		✓		
HINGA	✓				
HUNTER	✓				
MOSES	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

DATE: 8-8-78

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. S-120-78 on the 8th day of August, 19 78

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of August, 19 78, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 10th day of August, 19 78, at the hour of 3:00 o'clock P. M., E.S.T.

Robert E. Armstrong
MAYOR

Bill No. S-78-07-13

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving an Agreement between the County of Allen and the City of Fort Wayne, Indiana for the conveyance of real estate from the County of Allen to the City of Fort Wayne, Indiana

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

WILLIAM T. HINGA - CHAIRMAN

VIVIAN G. SCHMIDT - VICE CHAIRMAN

JOHN NUCKOLS

PAUL M. BURNS

FREDRICK R. HUNTER

William T. Hinga

Vivian G. Schmidt

John Nuckols

Fredrick R. Hunter

8-8-78

DATE

CONCURRED IN

CHARLES W. WESTERMAN, CITY CLERK

DEPARTMENT OF PUBLIC PARKS
CITY-COUNTY BLDG., ONE MAIN STREET
FORT WAYNE, INDIANA 46802

TO Ken [illegible] FROM Angie [illegible]

AT AT

SUBJECT:	REFER TO:	DATE:
[illegible] of land at [illegible] Park	Attached	6/19/78

MESSAGE

Ken - Couldn't find the original [illegible] agreement but I'm sure they were all drawn up by the County's attorney. Please return survey. Thanks.

REPLY

Angie - Statute says ordinance required when County conveys to City. See law attached. Can you make arrangements with Salin's Office for ordinance on this? If not please call. Also enclosing survey as per your request

DATE	OFFICE OR DEPT., AND CITY	SIGNED
6/20/78		[signature]

RECIPIENT RETURNS THIS COPY TO SENDER

AGREEMENT TO CONVEY REAL ESTATE

WHEREAS, the County of Allen is the owner in fee of the following described real estate:

> Beginning at the Northeast corner of Lot 59 in West View Heights Addition (formerly Carver Center Addition), as recorded in Plat Book 22, Pages 20-21, in the office of the County Recorder, Allen County, Indiana; thence west along the north line of said addition, a distance of 410.00 feet; thence north along the east right-of-way line of a street known as Carber Court, a distance of 25.75 feet; thence west along the north line of said addition, a distance of 170.00 feet; thence north along the west line extended of Lot 40 in said addition, a distance of 26.65 feet; thence in a northeasterly direction along the southeasterly right-of-way line of Hale Avenue, a distance of 22.65 feet; thence south 1° 18' west, a distance of 32.34 feet; thence north 89 39' east, a distance of 574.88 feet, to the west line of Brackenridge's Subdivision; thence south along said west line of Brackenridge's Subdivision, a distance of 599.68 feet, to the south line of the southwest quarter of said section; thence west along said south line of the southwest quarter of said section, a distance of 9.4+ feet, to the intersection of the east line extended of said West View Heights Addition and the south line of the southwest quarter of said section; thence north along the east line of said West View Heights Addition, a distance of 565.00 feet, to the point of beginning, containing .53 acres more or less, and excluding right-of-way for Covington Road.

Which real estate is no longer required or satisfactory for the County's business or recreational purposes, and

WHEREAS, the County desires to sell said surplus real estate to the Board of Park Commissioners of the City of Fort Wayne, a governing unit in the County of Allen, to be used by the Board of Park Commissioners of the City of Fort Wayne for its own particular purposes, and

WHEREAS, the Board of Park Commissioners of the City of Fort Wayne desires to purchase said real estate for its own particular purposes, now therefore

IT IS HEREBY AGREED by and between the County of Allen and the Board of Park Commissioners of the City of Fort Wayne that in consideration of One Dollar ($1.00) and other valuable consideration, receipt of which is hereby acknowledged, the County of Allen hereby agrees to convey the following described real estate:

> Beginning at the Northeast corner of Lot 59 in West View Heights Addition (formerly Carver Center Addition), as recorded in Plat Book 22, Pages 20-21, in the office of the County Recorder, Allen County, Indiana; thence west along the north line of said addition, a distance of 410.00 feet; thence north along the east right-of-way line of a street known as Carver Court, a distance of 25.75 feet; thence west along the north line of said addition, a distance of 170.00 feet; thence north along the west line extended of Lot 40 in said addition, a distance of 26.65 feet; thence in a northeasterly direction along the southeasterly right-of-way line of Hale Avenue, a distance of

22.65 feet; thence south 1 18' west, a distance of 32.32 feet; thence north 89 39' east, a distance of 574.88 feet, to the west line of Brackenridge's Subdivision; thence south along said west line of Brackenridge's Subdivision, a distance of 599.68 feet, to the south line of the southwest quarter of said section; thence west along said south line of the southwest quarter of said section, a distance of 9.4+ feet, to the intersection of the east line extended of said West View Heights Addition and the south line of the southwest quarter of said section; thence north along the east line of said West View Heights Addition, a distance of 565.00 feet, to the point of beginning, containing .53 acres more or less, and excluding right-of-way for Covington Road.

to the Board of Park Commissioners of the City of Fort Wayne, subject to ratification of said sale by adoption of ordinances by the Common Council of the City of Fort Wayne and by the County Council of Allen County, pursuant to I.C. 18-5-3-1.

This agreement adopted and authorized by resolution of the Board of Commissioners of the County of Allen on the 13th day of October 1977. (Commissioners Record Book 45, Page 77).

Agreement entered into this 9th day of June, 1978.

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

This agreement adopted and authorized by the Board of Park Commissioners of the City of Fort Wayne on this 20 day of April, 1978.

BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE

Byron F. Novitsky, President

Ray Nelson, Vice-President

C. Corydon Randall, Member

Audrey Sharpe, Member